

BEFORE THE  
BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First-Amended Petition  
to Revoke Probation Against:

SABRY E. RAMIREZ,

Marriage and Family Therapist Intern  
Registration No. IMF 60744,

Respondent.

Case No. 2002015000286

OAH No. 2015061223

**ORDER OF DECISION**

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted  
by the Board of Behavioral Science as its Decision in the above-entitled matter.

This Decision shall become effective on October 16, 2015.

IT IS SO ORDERED this 16th day of September 2015.

By: \_\_\_\_\_

*Clintina Wong*

BEFORE THE  
BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First-Amended Petition  
to Revoke Probation Against:

SABRY E. RAMIREZ

Marriage and Family Therapist Intern  
Registration No. IMF 60744,

Respondent.

Case No. 2002015000286

OAH No. 2015061223

**PROPOSED DECISION**

This matter was heard before Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, on July 16, 2015, in Oakland, California.

Complainant Kim Madsen, Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs, was represented by Diann Sokoloff, Supervising Deputy Attorney General.

Respondent Sabry Ramirez represented himself.

The matter was deemed submitted for decision on July 16, 2015.

**SUMMARY**

Respondent was placed on five years' probation to the board effective November 25, 2013. Complainant now seeks to revoke that probation because respondent failed in various respects to comply with the conditions of probation. It is found that cause to revoke probation does exist, but that cause also exists to extend respondent a second opportunity to demonstrate he can successfully comply with the conditions of probation.

## FACTUAL FINDINGS

1. On July 28, 2009, the Board of Behavioral Sciences issued marriage and family therapist intern registration number IMF 60744 to respondent Sabry E. Ramirez. At the time of this hearing, respondent's registration was due for renewal on July 31, 2015.

2. On October 25, 2013, the board issued a decision in Case No. IM-2012-358 adopting a stipulated settlement and disciplinary order revoking respondent's registration, but staying that revocation and putting respondent on probation for five years on specified terms and conditions. The effective date of the board's decision was November 25, 2013.

3. The conditions of respondent's probation included the following:

Condition 2: Respondent was required to participate in ongoing psychotherapy with a mental health professional approved by the board. Respondent was required to "take all necessary steps to ensure" that his treating therapist submit quarterly reports to the board concerning respondent's treatment and fitness to practice.

Condition 4: Respondent was required to abstain from all use of alcohol and to immediately submit to biological fluid testing upon request of the board or its designee.

Condition 7: Respondent was required to submit quarterly reports to the board documenting whether he had been in compliance with the conditions of probation.

Condition 8: Respondent was required to comply with the probation program established by the board.

Condition 20: Respondent was required to reimburse the board \$1,200 per year for the costs of monitoring his probation.

4. After the board issued its decision, probation analyst Julie McAuliffe discussed the conditions of probation over the phone. Respondent seemed to understand those terms, and on December 9, 2013, signed an "Acknowledgement of Receipt – Intention to Comply" form on which he certified he had read and understood the instructions that had been provided him regarding compliance with the probationary terms.

### *First Cause to Revoke Probation*

5. Phamatech Laboratories is the board's biological fluid testing vendor. On July 29, 2014, Phamatech reported to McAuliffe that on July 21, 2014, respondent's urine sample had tested positive for alcohol. McAuliffe issued a "Violation Letter" to respondent on July 30, 2014, requiring him to provide a written explanation within five days. In his explanation letter, respondent admitted that he had "experienced what they call in recovery a slip" and

had consumed alcohol at a promotion celebration on July 20. Respondent averred that this was “a spur of the moment situation” and that he had been abstinent both before July 20 and since then.

6. On August 7, 2014, complainant notified respondent in writing that as a result of his positive test for alcohol he was “ordered to cease practice as a Marriage and Family Therapist Intern effective immediately. . . . You do not have the right to appeal this order and this is not considered a disciplinary action.” Respondent was further advised that the positive test for alcohol was “a direct violation of your probation” and that, consequently, the board would forward his file “to the Office of the Attorney General to revoke your probation.”

7. Under the terms of the board’s biological fluid testing program, respondent was required to either call in to Phamatech or log on to their website daily to find out whether he had been selected for a test that day. Respondent complied with this requirement for the first eight months of probation – through August 15, 2014. He then failed to call in or log on as required on the following dates: August 16 and 17, 2014; August 23, 2014; August 30 through September 1, 2014; September 6, 2014 through April 29, 2015; May 2 and 3, 2015; May 5, 2015; May 9 and 10, 2015; May 16, 2015; May 24, 2015; May 31, 2015; June 20, 2015; and July 5, 2015. These represent 256 dates, 240 of which were during the September 6, 2014 through April 29, 2015 period when respondent failed to report in even once.

8. When advised by Phamatech that he has been selected for testing, respondent is required to report for testing that day. On 32 occasions, respondent was selected for testing but failed to report as required. Thirty-one of those occasions occurred during the September 6, 2014 - April 29, 2015 period when respondent failed to report in to Phamatech even once. The only date outside that period was July 6, 2015. Respondent was selected to be tested on eight occasions between May 13, 2015 and June 25, 2015, a period during which he had sporadically failed to report in to Phamatech. On each of those eight occasions respondent appeared for his test and tested negative for alcohol.

9. The matters set forth in Findings 5, 7 and 8 establish that respondent failed to fully comply with Condition 4 of his probation.

10. Respondent attributes most of his failures to report in to Phamatech to a misunderstanding. When he received the August 7, 2014 notice to immediately cease practice, he believed he no longer had to comply with the conditions of his probation. Therefore, while he continued to remain abstinent, to attend twice-weekly AA meetings and to attend weekly psychotherapy sessions, he stopped reporting in to Phamatech. He believes it was in May 2015 that he spoke to McAuliffe and learned that he had not been freed of the probationary requirements and that his account with Phamatech was still active. It was then that he resumed reporting to Phamatech and complying with testing requirements.

11. Regarding the failure to report in to Phamatech on July 5, 2015, respondent explained that this was a Sunday and he just forgot to call in. He did not explain his failure to test on July 6, 2015. Nor did respondent explain why, if he learned in May 2015 that he was still required to check in with Phamatech, he nevertheless failed to report in on eight days in that month (spread between May 2 and May 31) and one day in June 2015.

### *Second Cause to Revoke Probation*

12. Respondent failed to submit to the board quarterly reports for the periods July through September 2014 and October through December 2014, due respectively on October 7, 2014 and January 7, 2015.

13. For the same two periods that respondent failed to submit quarterly reports – July - September 2014 and October - December 2014, respondent's psychotherapist failed to submit quarterly reports to the board.

14. When respondent started his probation, the board approved a Mr. St. George as respondent's psychotherapist. However, in early July 2014, McAuliffe discovered that respondent had previously undertaken therapy with St. George in 2008, which disqualified him from serving as a board-approved therapist because of his "prior business relationship" with respondent. McAuliffe advised respondent that he needed to find a new therapist, but that he should continue with St. George until the new therapist was in place. McAuliffe sent respondent forms to get a new psychotherapist approved but did not hear back from respondent before she received the July 29, 2014 notice of a positive alcohol test and then sent the August 7, 2014 notice to cease practice.

15. On May 27, 2015, McAuliffe notified respondent that she had received his psychotherapy information and that Eric Bohl, LFMT, was approved as his therapist. Respondent credibly testified that he began seeing Bohl on a weekly basis in July 2014 and has continued seeing him since then. While respondent concedes that Bohl was not a board-approved therapist until May 2015, he credibly asserts that he has at all times complied with the probationary requirement that he receive weekly psychotherapy. Nevertheless, for a period of approximately 10 months, from July 2014 until May 2015, respondent was not receiving weekly psychotherapy from a board-approved therapist.

16. Respondent failed to fully comply with Condition 7 of his probation due to his failure to submit quarterly reports for the July - September 2014 and October 2014 - December 2014 period. Respondent failed to fully comply with Condition 2 of his probation due to his failure to ensure that his psychotherapist submit quarterly reports for those same two periods and his failure to ensure he was seeing a board-approved therapist from July 2014 until May 2015. Once again, all of these failures again come down to respondent's misunderstanding of whether or not he was required to continue compliance with his probationary conditions after receipt of the August 7, 2014 cease practice notice.

### *Third Cause to Revoke Probation*

17. Respondent failed to comply with Condition 20 of his probation, which requires him to reimburse the board \$1,200 per year for the cost of monitoring his probation. Payment for the first year of probation was due on November 25, 2014.

18. Respondent did not explain why he did not make this payment, but it is noted that it came due during the September 2014 - April 2015 period during which respondent wrongly believed he was no longer required to comply with probation. Respondent testified that he has made some payments to the board, but the evidence showed that all amounts he has paid – approximately \$800 – were towards his cost recovery obligation of \$2,053.75 and not toward payment of probation monitoring costs.

### *Fourth Cause to Revoke Probation*

19. Because respondent failed to fully comply with Probation Conditions 2, 4, 7 and 20, as set forth above, he thereby also failed to fully satisfy Condition 8, which requires him to comply with the board's probation program.

### *Other Matters*

20. Respondent works at Catholic Charities of Santa Clara County. He runs a program there called ProGRIP (Probation - Gang Resistance Intervention Program). Angela Albright, LCSW, Deputy Division Director of the Behavioral Health Division of Catholic Charities of Santa Clara County, is respondent's supervisor. She provided a letter strongly advocating that respondent be allowed to resume practice as an MFT. Another therapist at Catholic Charities, Erika Martinez, ASW, also provided a letter in support of respondent, as did Ofelia Picanco, LCSW.

Together, those letters show the following: Albright and Martinez have worked with respondent for nine or 10 years, beginning when they all worked as mental health professionals at Gardner Family Care Corporation; Picanco worked with him for more than six years at Gardner. At Gardner, respondent worked as a clinician in the Juvenile Probation Department and the System of Care programs. Albright was his supervisor in both programs. In 2006, respondent was promoted to lead clinician with the Juvenile Probation Department program. Albright found respondent to be "incredibly effective in his job, both in his leadership responsibilities and in his client care." Because of that, when Albright accepted a position in 2012 to start a Prevention and Early Intervention program at Catholic Charities, she recruited respondent to come with her. Martinez also moved to the PEI program, where she and respondent worked together as clinicians. Albright, Martinez and Picanco all attest to respondent's excellent skills and knowledge in working with youth and families.

In July 2014, Catholic Charities began the ProGRIP program. The following month, respondent was promoted to manager of the program. (This is apparently a non-clinical position, in keeping with the August 7 cease practice notice.) Albright wrote that respondent

“has excelled in the development of ProGRIP. Starting a program from scratch is no easy task, and [respondent] has certainly stepped up to the plate. He demonstrated great judgment in the staff that he hired and trained, the way he built relationships with the probation department, and how he had developed policies and procedures to make sure the team is meeting their program goals and deliverables.”

Albright also attested to respondent’s skills and abilities as a clinician. She said he has “the natural ability to connect with difficult, diverse and sever [sic] clients and their families” and has demonstrated “consistent reliability, strong clinical and ethical judgment, dependability, and excellent job performance.” His co-worker, Martinez, expresses similar views. She noted “the compassion that [respondent] has for his families” and wrote that he provided “culturally sensitive interventions to families and their youth as well as always taking into consideration the different implications within his standards of Law and Ethics in regards to treating clients and their families. I saw how many Latino families, teens and young men saw him as a role model for the Latino population and sought his guidance, help, and assistance.” Picanco, who worked directly with respondent for six years at Gardner Family Care Corporation, wrote that respondent was “respectful and skillful in establishing an effective working relationship with clients, families and [the] surrounding community in accordance with the values and ethics of his profession”; that he demonstrated “the ability to exercise critical thinking in complex situations”; and that he demonstrated “understanding of social, political and economic factors that affect his clients and the surrounding communities.”

21. Respondent has been clean and sober since July 21, 2014.

### *Cost Recovery*

22. The board has incurred costs of \$3,157.50 in the enforcement and prosecution of this case. This consists of 15.75 hours of attorney time at the rate of \$170 per hour and four hours of paralegal time at the rate of \$120 per hour. The time spent and amounts billed are found to be reasonable.

## LEGAL CONCLUSIONS

### *First Cause to Revoke Probation*

1. The matters set forth in Factual Finding 9 establish that respondent failed to fully comply with Probation Condition 4. Cause to revoke probation thereby exists.

### *Second Cause to Revoke Probation*

2. The matters set forth in Factual Finding 16 establish that respondent failed to fully comply with Probation Conditions 2 and 7. Cause to revoke probation thereby exists.

### *Third Cause to Revoke Probation*

3. The matters set forth in Factual Finding 17 establish that respondent failed to fully comply with Probation Condition 20. Cause to revoke probation thereby exists.

### *Fourth Cause to Revoke Probation*

4. The matters set forth in Factual Finding 19 establish that respondent failed to fully comply with Probation Condition 8. Cause to revoke probation thereby exists.

### *Penalty Determination*

5. From the time his probation began in November 2013 until he had a slip and consumed alcohol on July 20, 2014, resulting in a positive alcohol test the following day, respondent was fully compliant with his probationary conditions. He then continued to comply with the terms of his probation until mid-August 2014, shortly after he received from the board a notice to immediately cease practice because he had violated probation.

That notice advised respondent that he could not appeal this action and that his case was being referred to the Office of the Attorney General to begin the process of revoking his probation. Respondent wrongly interpreted this to mean that he no longer had to comply with the terms of his probation. This was foolish on his part, and to some degree raises questions about his judgment. At the very least, respondent should have contacted his probation monitor to find out whether or not he was freed of the obligations of probation.

But even though respondent felt he no longer needed to follow the probationary conditions, he continued to adhere to the most consequential of those terms (other than alcohol testing) – he continued to remain abstinent, to attend AA meetings, and to participate in weekly psychotherapy sessions. These actions show that respondent was, and is, committed to his recovery.

It is important to note that most of respondent's failures to comply with the terms of probation occurred during the period from August 2014 to May 2015 – between receipt of the board's notice to cease practice and learning from his probation monitor that he was still subject to the board's probation – when respondent wrongly believed he was no longer subject to the board's probation. It was during this period when the bulk of the failures to report in to Phamatech occurred, when he twice failed to file quarterly reports, when he twice failed to have his therapist file quarterly reports, when his therapist was not board-approved, and when he failed to make payment for his first year of probation monitoring. If that roughly nine-month period is taken out of the equation, respondent's compliance with probation, while not perfect, is probably not out of ordinary for probationers – he had his slip and positive alcohol test in July 2014, failures to report in to Phamatech on June 20 and July 5, 2015, and a failure to test on July 6, 2015.

6. As set forth above, even though respondent was under the mistaken belief for nine months that he no longer needed to follow the probationary conditions, he nevertheless demonstrated commitment to his recovery during that period by continuing to remain abstinent, to attend AA meetings, and to participate in weekly psychotherapy sessions. This demonstration of commitment is the most important factor in reaching the conclusion that despite his failure to fully comply with probation, respondent has demonstrated he is worthy of a second chance at showing the board that he can be a successful probationer.

While he had multiple failures to comply with probation, respondent is not a scowflaw who simply chose to thumb his nose at the board's probationary requirements. Rather, his failures were largely due to his wrongheaded misunderstanding of the need to comply after receiving the August 2014 notice to cease practice.

And while it was noted above that respondent's misinterpretation of the board's notice to cease practice raised some questions about his judgment, the opinions, set forth in Factual Finding 20, of respondent's long-time supervisor at both Gardner Family Care Corporation and Catholic Charities of Santa Clara County and two of his long-time peers largely overcome those concerns. While he may not have done so regarding the notice to cease practice, respondent does have the ability to exercise good judgment and critical thinking skills.

Therefore, while cause exists to revoke probation, there is also cause to reinstate that probation as modified by the order set forth below. But respondent must recognize that strict adherence to the terms of probation is required; he is unlikely to be given a third chance to prove he can be a successful probationer.

#### *Cost Recovery*

7. Business and Professions Code section 125.3 provides that a board may order a licensee found to have violated the licensing law to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case. Under that section, cause exists to order respondent to reimburse the board its costs of \$3,157.50.

In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court held that licensing boards must exercise their discretion to reduce or eliminate cost awards to ensure that they do not deter licensees with potentially meritorious claims from exercising their right to an administrative hearing. Among other things, the court held that licensing boards may not assess the full costs of prosecution and enforcement when the licensee, who has committed some misconduct, has used the hearing process to obtain a reduction in the severity of the discipline.

Complainant in this matter sought revocation of respondent's marriage and family therapist intern registration. The matters set forth in Legal Conclusions 5 and 6 establish that respondent has used the hearing process to obtain a reduction in the severity of that proposed

discipline. Pursuant to *Zuckerman*, respondent may not be assessed the full costs in this matter. The cost of investigation that may be recovered shall be reduced by one-third, to \$2,105.

## ORDER

The petition to revoke probation is granted.

The previous stayed disciplinary order revoking marriage and family therapist intern registration number IMF 60744 issued to Sabry E. Ramirez is reinstated; provided, however, that the revocation is again stayed and respondent is reinstated to probation with the following modifications: (1) the term of probation is extended by one year, to November 24, 2019, for a total probationary period of six years from the initial date of probation; (2) the previously-imposed cost recovery order of \$2,053.75 is increased by \$2,105 to \$4,158.75, subject to credit for amounts respondent has already paid; (3) at the discretion of the board, respondent may be permitted to pay his past-due probation monitoring costs subject to a payment plan; (4) because he has already satisfied this requirement, unless otherwise ordered by the board or its designee, respondent shall not be required to undergo a psychological or psychiatric evaluation within 90 days of this decision (Condition 1); and (5) provided respondent is continuing to see his previously board-approved therapist, he is not required to submit a request for approval within 15 days of this decision (Condition 2).

The full terms of the modified probation are as follows:

1. Psychological Evaluation

Within 90 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the board or its designee, respondent shall complete a psychological or psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such evaluator shall furnish a written report to the board or its designee regarding respondent's judgment and ability to function independently and safely as a counselor and such other information as the board may require. Respondent shall execute a Release of Information authorizing the evaluator to release all information to the board. Respondent shall comply with the recommendations of the evaluator.

If respondent is determined to be unable to practice independently and safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the board or its designee. Respondent shall

not engage in any practice for which a license issued by the board is required, until the board or its designee has notified the respondent of its determination that respondent may resume practice.

## 2. Psychotherapy

Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the board. Within 15 days of the effective date of this decision, respondent shall submit to the board or its designee for its prior approval the name and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with respondent, and shall not be the respondent's supervisor. Counseling shall be at least once a week unless otherwise determined by the board. Respondent shall continue in such therapy at the board's discretion. Cost of such therapy is to be borne by respondent.

Respondent may, after receiving the board's written permission, receive therapy via videoconferencing if respondent's good faith attempts to secure face-to-face counseling are unsuccessful due to the unavailability of qualified mental health care professionals in the area. The board may require that respondent provide written documentation of his good faith attempts to secure counseling via videoconferencing.

Respondent shall provide the therapist with a copy of the board's decision no later than the first counseling session. Upon approval by the board, respondent shall undergo and continue treatment until the board or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the board concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the board.

If the treating psychotherapist finds that respondent cannot practice safely or independently, the psychotherapist shall notify the board within three (3) working days. Upon notification by the board, respondent shall immediately cease practice and shall not resume practice until notified by the board or its designee that respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the board is required until the board or its designee has notified respondent that he may resume practice.

Respondent shall document compliance with this condition in the manner required by the board.

3. Abstain from Controlled Substances/Submit to Biological Fluid Testing and Samples

Respondent shall completely abstain from the use or possession of controlled or illegal substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the board or its designee. The length of time and frequency will be determined by the board. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to respondent's current employer and shall be a violation of probation.

4. Abstain from Use of Alcohol/Submit to Biological Fluid Testing and Samples

Respondent shall completely abstain from the use of alcoholic beverages during the period of probation.

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the board or its designee. The length of time and frequency will be determined by the board. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to the respondent's current employer and shall be a violation of probation.

5. Attend AA Meetings

Each week, respondent shall be required to attend at least two Alcoholics Anonymous meetings.

6. Obey All Laws

Respondent shall obey all federal, state and local laws, all statutes and regulations governing the licensee, and remain in full compliance with any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by respondent to the board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days of the effective date of the

decision, unless previously submitted as part of the licensure application process. Respondent shall pay the cost associated with the fingerprint process.

7. File Quarterly Reports

Respondent shall submit quarterly reports, to the board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether he has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice respondent shall continue to submit quarterly reports under penalty of perjury.

8. Comply with Probation Program

Respondent shall comply with the probation program established by the board and cooperate with representatives of the board in its monitoring and investigation of respondent's compliance with the program.

9. Interviews with The Board

Respondent shall appear in person for interviews with the board or its designee upon request at various intervals and with reasonable notice.

10. Failure to Practice

In the event respondent stops practicing in California, respondent shall notify the board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in Sections 4908.02, 4989.14, 4996.9, or 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; File Quarterly Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost Recovery. Respondent's license/registration shall be automatically cancelled if respondent's period of non-practice total two years.

11. Change of Place of Employment or Place of Residence

Respondent shall notify the board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number and the date of the change.

12. Supervision of Unlicensed Persons

While on probation, respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the board. Respondent shall terminate any such supervisory relationship in existence on the effective date of this decision.

13. Notification to Clients

Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon request by the board or its designee, satisfactory evidence of compliance with this term of probation.

14. Notification to Employer

Respondent shall provide each of his current or future employers, when performing services that fall within the scope of his practice, a copy of this decision and the statement of issues or accusation before commencing employment. Notification to respondent's current employer shall occur no later than the effective date of the decision or immediately commencing employment. Respondent shall submit, upon request by the board or its designee, satisfactory evidence of compliance with this term of probation.

15. Violation of Probation

If respondent violates the conditions of his probation, the board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the discipline of revocation of respondent's registration provided in the decision.

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's registration or application for licensure, or the Attorney General's office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this decision shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the board. Upon successful completion of probation, respondent's registration shall be fully restored.

16. Maintain Valid License

Respondent shall, at all times while on probation, maintain a current and active license with the board, including any period during which suspension or probation is tolled. Should respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license shall be subject to any and all terms of this probation not previously satisfied.

17. License Surrender

Following the effective date of this decision, if respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily surrender his license to the board. The board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar days deliver respondent's license and certificate and, if applicable, wall certificate to the board or its designee and respondent shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's license shall be considered to be a disciplinary action and shall become a part of respondent's license history with the board. Respondent may not petition the board for reinstatement of the surrendered license. Should respondent at any time after voluntary surrender ever reapply to the board for licensure respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

18. Instruction of Coursework Qualifying for Continuing Education

Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the board.

19. Notification to Referral Services

Respondent shall immediately send a copy of this decision to all referral services registered with the board in which respondent is a participant. While on probation, respondent shall send a copy of this decision to all referral services registered with the board that respondent seeks to join.

20. Reimbursement of Probation Program

Respondent shall reimburse the board for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period at \$1,200 per year.

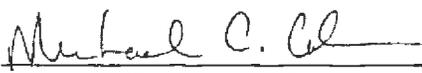
Respondent shall pay all unpaid probation monitoring costs that became due before the effective date of this decision. At the discretion of the board, respondent may be permitted to pay past-due costs on a payment plan approved by the board or its designee.

21. Cost Recovery

Respondent shall pay the board \$2,053.75 for the reasonable costs of the investigation and prosecution of Case No. IM-202-358 and \$2,105 for the reasonable costs of the investigation and prosecution of Case No. 2002015000286, for a total cost recovery obligation of \$4,158.75. Respondent shall be granted credit for all cost recovery payments made before the effective date of this decision. Respondent shall make such payments as outlined by the board. Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case Nos. IM-2012-358/2002015000286. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the agreed upon payment schedule, respondent shall be considered to be in violation of probation. A period of non-practice by respondent shall not relieve respondent of his obligation to reimburse the board for its costs.

Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the board may be extended at the discretion of the Enforcement Manager based on good cause shown by respondent.

DATED: August 12, 2015

  
MICHAEL C. COHN  
Administrative Law Judge  
Office of Administrative Hearings

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
4 State Bar No. 161082  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2212  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF BEHAVIORAL SCIENCES**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the First-Amended Petition to  
12 Revoke Probation Against:

13 **SABRY RAMIREZ**  
14 **898 S. 3rd Street**  
**San Jose, CA 95112**

15 **Marriage and Family Therapist Intern**  
**Registration No. IMF 60744**

16 Respondent.

Case No. 2002015000286

FIRST-AMENDED PETITION TO  
REVOKE PROBATION

18 Complainant alleges:

19 PARTIES

20 1. Kim Madsen ("Complainant") brings this First-Amended Petition to Revoke  
21 Probation solely in her official capacity as the Executive Officer of the Board of Behavioral  
22 Sciences, Department of Consumer Affairs.

23 2. On or about July 28, 2009, the Board of Behavioral Sciences issued Marriage and  
24 Family Therapist Intern Registration Number IMF 60744 to Sabry Ramirez ("Respondent"). The  
25 Marriage and Family Therapist Intern Registration was in effect at all times relevant to the  
26 charges brought in this First-Amended Petition to Revoke Probation and will expire on July 30,  
27 2015, unless renewed.







1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED: March 19, 2015



KIM MADSEN  
Executive Officer  
Board of Behavioral Sciences  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2014902682